

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**GERALD D. LEACH,** **3:10-CV-01128-PK**

**Plaintiff,** **ORDER**

**v.**

**MICHAEL J. ASTRUE,**  
**Commissioner of Social Security,**

**Defendant.**

**BROWN, Judge.**

Magistrate Judge Paul Papak issued Findings and Recommendation (#29) on November 8, 2011, in which he recommends this Court remand this case to the Commissioner for further proceedings to evaluate the report of Keli Dean, Psy.D., in the context of the record as a whole. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and

Recommendation were timely filed, this Court is relieved of its obligation to review the record *de novo*. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9<sup>th</sup> Cir. 2003)(*en banc*). See also *United States v. Bernhardt*, 840 F.2d 1441, 1444 (9<sup>th</sup> Cir. 1988). Having reviewed the legal principles *de novo*, the Court does not find any error.

**CONCLUSION**

The Court **ADOPTS** Magistrate Judge Papak's Findings and Recommendation (#29). Accordingly, the Court **REVERSES** the Commissioner's decision and **REMANDS** this case to the Commissioner for further proceedings to evaluate the report of Keli Dean, Psy.D., in the context of the record as a whole.

IT IS SO ORDERED.

DATED this 23<sup>rd</sup> day of January 23, 2012.

/s/ Anna J. Brown

---

ANNA J. BROWN  
United States District Judge